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ABSTRACT

This publication contains the administrative rules governing child care centers in the State of Michigan; it sets forth the minimum standards for the care and protection of children attending Michigan's day care centers and nursery schools. The rules, promulgated by the authority conferred on the Department of Social Services by Section 2 of Act No. 116 of the Public Acts of 1973, took effect on June 4, 1980. They were amended in June, 1984, primarily to provide greater clarity and consistency as well as to represent substantial cost reduction benefits to licensees. These amended rules took effect July 24, 1984. Recommendations for amendments have been reviewed by the Ad Hoc Committee, a Review Committee, licensees, many child care organizations, interested citizens, and parents. Organized in nine parts, contents focus on (1) general provisions, including provisions for care of children two and one half years to five years of age; (2) additional provisions for care of children between ages of two weeks and two and one half years; (3) additional provisions for care of children six years of age and older; (4) additional provisions for drop-in centers; (5) additional provisions for specific program components; (6) transportation provisions; (7) field trip transportation provisions, (8) fire safety provisions; and (9) sanitation provisions. (DST)

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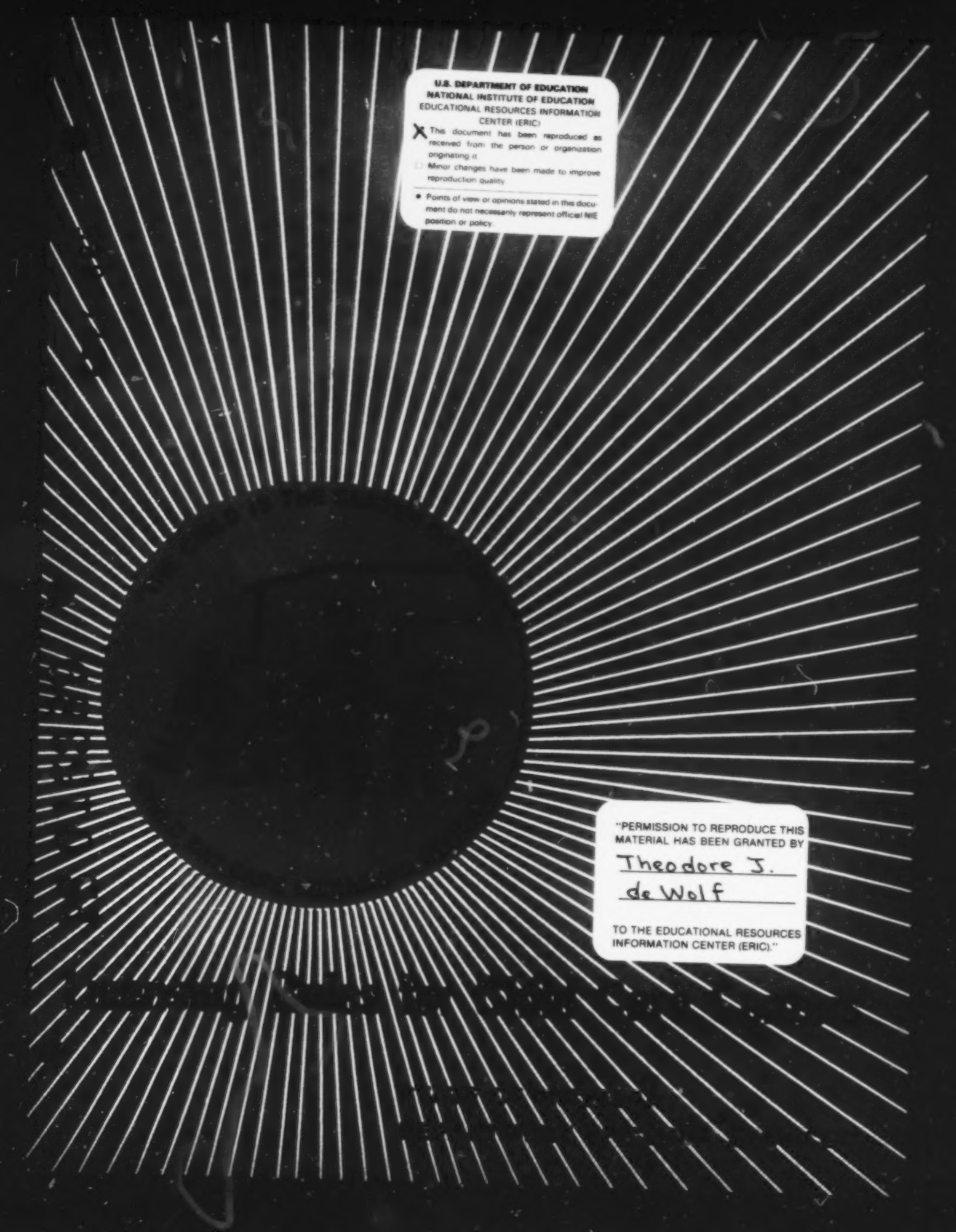

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DEPARTMENT OF SOCIAL SERVICES
DIVISION OF CHILD DAY CARE LICENSING

Licensing Rules for Child Care Centers

This publication contains the administrative rules that govern child care centers in the State of Michigan. These rules set forth the minimum standards for the care and protection of children attending Michigan's day care centers and nursery schools.

The rules were promulgated by the authority conferred on the Department of Social Services by Section 2 of Act No. 116 of the Public Acts of 1973, as amended, being §722.112 of the Michigan Compiled Laws. The rules were filed with the Secretary of State on May 19, 1980, and took effect on June 4, 1980.

The promulgation process was lengthy. This was due in part to the Department's desire to develop rules that are clear, reasonable, necessary, fair and enforceable. Serious consideration was given to the the recommendations of the Ad Hoc Committee, a Review Committee, licensees, many child care organizations, interested citizens and parents.

These rules were amended in June, 1984 primarily to provide greater clarity and consistency as well as representing substantial cost reduction benefits to licensees. These amended rules were filed with the Secretary of State on July 6, 1984 and took effect July 24, 1984.

In the interest of continuing to serve the public by considering its wishes, the Department would welcome any comments or suggestions that you feel will help improve future revisions of these regulations. Your comments will be reviewed when changes in the rules are being considered. Act No. 116, Public Acts of 1973, as amended, requires the Department to conduct a review of the rules every other year and a major review by an Ad Hoc Committee every five years.

You are invited to send your comments to:

Division Director
Division of Child Day Care Licensing
Michigan Department of Social Services
P.O. Box 30037
Lansing, MI 48909

In forwarding comments or suggestions, please use the outline on the next page. For your convenience, the next page may be removed from this publication and sent to the Division Director for his consideration and review.

Rule Number Subrule

SUGGESTED CHANGE:

REASON FOR CHANGE:

ADDITIONAL COMMENTS:

Signature Date

Address (Number, Street)

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PART 1. GENERAL PROVISIONS, INCLUDING PROVISIONS FOR CARE OF CHILDREN 2½ YEARS TO 5 YEARS OF AGE

R400.5101 Definitions.

Rule 101. As used in these rules:

(a) "Caregiver" means a person providing direct care, supervision, and guidance of children who is an adult or who is 17 years of age and who has satisfactorily completed at least 1 year of a vocational-occupational child care aide training program approved by the department of education.

(b) "Center" means a child care center or day care center which is a facility other than a private residence, which receives 1 or more preschool or school age children for care for periods of less than 24 hours a day, and at which the parents or guardians are not immediately available to the children. It includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, pre-kindergarten, play group, or drop-in center. "Center" does not include any of the following:

(i) A Sunday school, a vacation bible school, or a religious instructional class which is conducted by a religious organization and at which children are in attendance for not more than 3 hours per day for an indefinite period, or not more than 8 hours per day for a period not to exceed 4 weeks during a 12-month period, or a facility operated by a religious organization where children are cared for for not more than 3 hours while persons responsible for the children are attending religious services.

(ii) A special education program or service conducted under the authority of article 3 of Act No. 451 or the Public Acts of 1976, as amended, being §§380.1701 to 380.1766 of the Michigan Compiled Laws.

(iii) A kindergarten, elementary, or secondary school program operated by a local or intermediate school district under the authority of Act No. 451 of the Public Acts of 1976, as amended, being §380.1 et seq. of the Michigan Compiled Laws. However, this exemption shall not apply to a pre-kindergarten program or to a child care center program for school age children operated by a local or intermediate school district.

(iv) An elementary or secondary school program operated by a nonpublic school. However, this exemption shall not apply to a pre-kindergarten program or a child care center program for school age children operated by a nonpublic school.

(v) A kindergarten operated as part of a nonpublic elementary school. However, this exemption shall not apply to a nonpublic kindergarten operated as part of a child care center.

(c) "Child" or "children," as used in this part, means children from the ages of 2½ to 5 years of age, unless otherwise specified.

(d) "Department" means the department of social services.

(e) "Parent" or "parental" means a child's natural parent, guardian, or another legally responsible person.

(f) "Program director" means an adult responsible for developing, implementing, and directly supervising the total program for children.

(g) "Recommended dietary allowances" means the amounts of food which meet the allowances recommended by the national research council and contained in the appendix of the publication entitled "Recommended Dietary Allowances", 8th edition, 1974. This publication is hereby adopted by reference. Copies of the adopted matter may be obtained from the National Academy of Sciences, 2101 Constitution Avenue, Washington, D.C. 20418, at a cost of $2.50 or from the Department of Social Services, P.O. Box 30037, Lansing, Michigan 48909, at a cost of $2.50.

(h) "Staff" means caregivers, drivers, kitchen personnel, maintenance personnel, and other personnel of the center as well as the program director.

R400.5102 Rescission.

Rule 102. R400.120 to R400.126 of the Michigan Administrative Code, appearing on pages 471 and 472 of the 1957 Annual Supplement to the Code and page 6780 of the 1973 Annual Supplement to the Code, are rescinded.

R400.5103 Program director.

Rule 103. A program director shall be present full time for programs operating less than 6 continuous hours. In programs operating 6 or more continuous hours, a program director shall be present not less than 6 hours per day when children are present.

R400.5104 Staff qualifications

Rule 104. (1) All staff shall be of responsible character and suitable to meet the needs of children.

(2) With respect to the qualifications for program director, a center shall comply with either of the following subdivisions:

(a) A program director shall have completed a minimum of 60 semester hours of credit at an accredited college or university and shall have completed not less than 12 semester hours in child development, child psychology, or early childhood education. A person who is currently employed as a program director shall have 2 calendar years from the effective date of these rules to obtain the required 12 semester hours provided the person remains in the employ of the same center.

(b) A program director shall have been awarded the child development associate credential by the child development associate consortium and shall have completed not less than 12 semester hours in child development, child psychology, or early childhood education at an accredited college or university. Copies of publications related to the child development associate consortium credential may be obtained from the Child Development Associate Consortium, 805 15th St., N.W., Suite 500, Southern Building, Washington, D.C. or from the Department of Social Services, P.O. Box 30037, Lansing, Michigan 48909.

(3) A center shall keep on file verification of the educational qualifications of the program director and the credential qualifications, as applicable.

R400.5105 Number of staff.

Rule 105. (1) A minimum of 2 staff members, 1 of whom is a caregiver shall be present at any one time in the center and during outdoor activities and field trips when 7 or more children are present.

(2) The ratio of caregivers to children present at any one time in the center and during outdoor activities and field trips shall be based upon the following provisions:

(a) For children 2½ to 3 years of age, there shall be 1 caregiver for 10 children or a fraction thereof beyond the first 10, including children who are related to the staff and the licensee.

(b) For children 4 to 5 years of age, there shall be 1 caregiver for 12 children or a fraction thereof beyond the first 12, including children who are related to the staff and the licensee.

(c) For children 2½ to 5 years of age, there shall be 1 caregiver for 10 children or a fraction thereof beyond the first 10, including children who are related to the staff and the licensee.

(3) An exception to the requirements of subrule (2) of this rule may be made when the center is transporting children and is in compliance with R400.5611(2), (3), and (4) or R400.5710(2), (3), and (4), or both.

(4) A center shall provide appropriate care and supervision of children at all times.

R400.3106 Program.

Rule 106. (1) A center shall provide a program of daily activities and relationships that offers opportunities for the developmental growth of each child in the following areas:

(a) Physical development, including large and small muscle.

(b) Social development, including communication skills.

(c) Emotional development, including positive self-concept.

(d) Intellectual development.

(2) A center shall permit parents to visit the program for the purpose of observing their children during daily activities.

(3) A center operating with children in attendance for 5 or more continous hours per day shall provide for daily outdoor play, unless prevented by inclement weather conditions.

(4) A center shall provide each child in attendance for 5 or more continous hours a day with an opportunity to rest.

(5) A child shall not be in care for more than 12 hours a day.

R400.3107 Discipline.

Rule 107. (1) Staff shall use positive methods of discipline which encourage self-control, self-direction, self-esteem, and cooperation.

(2) Staff shall be prohibited from using the following as a means of punishment:

(a) Hitting, shaking, biting, pinching, or inflicting a form of corporal punishment.

(b) Restricting a child's movement by binding or tieing him or her.

(c) Inflicting mental or emotional punishment, such as humiliating, shaming, or threatening a child.

(d) Depriving a child of meals, snacks, rest, or necessary toilet use.

(e) Confining a child in an enclosed area, such as a closet, locked room, box, or similar cubicle.

(3) Nonsevere discipline or restraint may be used when reasonably necessary, based on a child's development, to prevent a child from harming himself or herself or to prevent a child from harming other persons or property, excluding those forms of punishment prohibited by subrule (2) of this rule.

(4) A center shall have a written policy regarding the discipline of children. This policy shall be furnished to staff and parents.

R400.3108 Equipment.

Rule 108. (1) A center shall provide an adequate and varied supply of play equipment, materials, and furniture, which shall be:

(a) Appropriate to the developmental needs and interests of children.

(b) Appropriate to the number of children.

(c) Safe, clean, and in good repair.

(d) Child-sized or appropriately adapted for a child's use.

(e) Easily accessible to the children.

(2) Equipment and materials shall provide for:

(a) Large and small muscle activity.

(b) Sensory exploration.

(c) Social interaction and dramatic play.

(d) Discovery and exploration, including structuring and restructuring.

(e) Creative experiences through art, music, and literature.

R400.5109 Sleeping equipment.

Rule 109. (1) A center shall provide each child enrolled for 3 or more continous hours with a cot constructed of a fabric or plastic which is easily cleanable and a washable blanket or sheet of appropriate size.

(2) The bedding shall be for the exclusive use of the child between launderings.

(3) The cot and bedding shall be kept clean.

(4) Cots shall be positioned in such a manner that there is a free and direct means of egress.

R400.5110 Food services and nutrition.

Rule 110. (1) Snacks and meals shall be provided by the center, except when 1 of the following circumstances occurs:

(a) A majority of the children are in attendance less than 4 hours.

(b) A written agreement has been signed by a parent and kept on file indicating that the parent is choosing to provide food.

(c) A center has a field trip or a special occasion.

(2) Food served by the center shall be of sufficient quantity and nutritional quality to provide for the dietary needs of each child according to the minimum meal requirements of the child care food program as administered by the Michigan department of education based on the national research council's recommended dietary allowances for appropriate age groups.

(3) A child shall be served meals and snacks in accordance with the following schedule:

(a) 4 hours to 6 hours .....1 meal and 1 snack.

(b) 7 hours to 10 hours .....1 meal and 2 snacks, or 2 meals and 1 snack.

(c) 11 hours or more.....2 meals and 2 snacks.

(4) The center shall assure that a child is not deprived of a snack or meal if the child is in attendance at the time when the snack or meal is served.

(5) Menus shall be planned in advance, shall be dated, and shall be posted where they may be seen by parents. Food substitutions shall be noted on the menus.

(6) On field trips, food containing mayonnaise, eggs, milk products and other ingredients with which the probability of spoilage is high shall not be used.

(7) The center shall assure that a child with special dietary needs is provided with snacks and meals in accordance with the child's needs and with the instructions of the child's parent or a licensed physician.

(8) Sufficient staff shall be provided to carry out food service activities. The staff shall be scheduled so that adequate time is available to prepare and serve food.

(9) A center shall establish and implement a written policy for its nutrition and food service programs. Each parent at the time of enrollment shall receive a copy of this policy statement.

R400.5111 Child information records and reports.

Rule 111. (1) A center shall have a child information card completed and on file for each child currently enrolled. The department form or a comparable substitute shall be used.

(2) A center shall maintain an accurate record of daily attendance for children enrolled.

(3) A center shall report an accident or illness, occurring while a child is in care, which results in hospitalization or death. This report shall be submitted to the department within 5 days on a form provided by the department.

R400.5112 Health of personnel; report.

Rule 112. (1) A center shall have on file a report, signed by a licensed physician for each staff member and each volunteer who has contact with children 4 hours or more per week for more than 2 consecutive weeks. This report shall declare, to the best of the physician's knowledge, the physical capability of the staff member to perform the duties required. The report shall be signed no more than 6 months prior to, or 30 days after, the start of employment and every 2 years thereafter.

(2) A center shall have on file evidence that each staff member and each volunteer who has contact with children 4 hours or more per week for more than 2 consecutive weeks is free from communicable tuberculosis, verified within 3 years before employment and every 3 years thereafter.

R400.5113 Emergency medical care; immunization status; statement; medication; health surveillance measures.

Rule 113. (1) At the time of initial attendance, a center shall obtain and keep on file written permission, signed by the parent, to seek emergency medical care, unless the parent objects thereto on the basis of religious grounds.

(2) A center shall obtain and keep on file at the time of registration or not later than the first day of initial attendance a certificate of immunization showing a minimum of at least 1 dose of each immunizing agent specified in accordance with section 9211 of Act No. 368 of the Public Acts of 1978, as amended, being §333.9211 of the Michigan Compiled Laws.

(3) When a child has been in attendance for 4 months, the center shall have on file, in addition to the material specified in subrule (2) of this rule, an updated certificate showing the completion of all additional immunization requirements in accordance with section 9211 of Act No. 368 of 1978, as amended, being §333.9211 of the Michigan Compiled Laws.

(4) A center shall obtain and keep on file within 30 days of initial attendance 1 of the following statements:

(a) A signed statement on the state of the child's health based on an evaluation by a licensed physician or his or her designee made within the preceding 12 months and every 2 years thereafter. Restrictions, if any, on activities shall be stated by a licensed physician.

(b) A written statement from the parent or guardian that the child has completed, or has an appointment to take part in, a health care program which shall include health observations, physical assessments, and screening tests, when such a health program is available and has been approved by the department of public health. The result of this health screening program shall be on file in the center following such an assessment and shall be updated every 2 years.

(c) A child whose parents object to physical examination or medical treatment on religious grounds may be admittted if the parent provides the center with a signed statement that the child is in good health and that the parent assumes responsibility for the child's state of health while at a center, with the understanding that the parent be notified immediately when anything unforeseen in this regard occurs.

(5) When a center administers medication, the following provisions shall apply:

(a) Medication, including tranquilizers, sedatives, aspirins, dietary supplements, or individual special medical procedures, shall be given or applied only with prior written permission from the parent. Prescription medication shall have the pharmacy label indicating the physician's name, child's name, instructions, and name and strength of the medication and shall be given in accordance with those instructions.

(b) A caregiver shall maintain a record as to the time and the amount of any medication given or applied.

(c) The medication shall be in the original container, stored according to the instructions, and clearly labeled for the specific child. The caregiver shall keep the medication out of the reach of children, and shall return the medication to the parent or destroy it when no longer needed.

(6) Health surveillance measures include the following:

(a) A center shall be responsible for reporting to the parent observed changes in the child's health or any accidents that may have happened to the child.

(b) A child too ill to remain in the group shall be placed in a separate area where he or she may be comfortably cared for and supervised until he or she can be taken home or suitably cared for elsewhere. Items and facilities, including cots, bedding, utensils, toys, toilets, and lavatories, used by the ill child shall not be used by any other person until those items and facilities have been thoroughly cleaned. The parent shall be contacted when these measures are required.

R400.5114 Admission and withdrawal criteria; schedule of operation; fee policy.

Rule 114. A center shall provide each parent enrolling a child with a written statement, which shall include the following information:

(a) Criteria for admission and withdrawal.

(b) Schedule of operation, denoting hours, days, and holidays during which the center is open and services are provided.

(c) Fee policy.

R400.5115 Telephone service.

Rule 115. A telephone shall be available and accessible in the building during the hours that the center is in operation. Pay telephones shall not be considered as meeting this requirement. Emergency telephone numbers, including fire, police, poison control center, and ambulance, shall be conspicuously posted immediately adjacent to the telephone.

R400.5116 Indoor activity space.

Rule 116. For each child, a center shall have a minimum of 35 square feet of indoor activity space for use by, and accessible to, the child, exclusive of all of the following:

(a) Hallways.
(b) Bathrooms.
(c) Reception and office areas.
(d) Kitchens.
(e) Storage areas and cloakrooms.
(f) Areas used exclusively for resting, sleeping, or eating.

R400.5117 Outdoor play area.

Rule 117. A center operating with children in attendance for 5 or more continuous hours a day shall have a safe outdoor play area which has not less than 1200 square feet. When this space is not adjacent to a center, parks or other outdoor facilities that are easily accessible by walking or by transportation are acceptable.

R400.5118 Exemption from rule.

Rule 118. (1) Upon written request of an applicant or licensee, the department may grant an exemption from an administrative rule if there is clear and convincing evidence that the alternative to the rule complies with the intent of the administrative rule from which exemption is sought.

(2) The decision of the department, including the qualification under which the exemption is granted, shall be entered upon the records of the department and a signed copy shall be sent to the applicant or licensee. This exemption may remain in effect for as long as the licensee continues to comply with the intent of the rule or may be time-limited.

PART 2. ADDITIONAL PROVISIONS FOR CARE OF CHILDREN BETWEEN AGES OF 2 WEEKS AND 2½ YEARS

R400.5201 Definition.

Rule 201. "Child" or "children," as used in this part, means children between 2 weeks and 2½ years of age.

R400.5202 Staff.

Rule 202. (1) A minimum of 2 staff members, 1 of whom is a caregiver, shall be present at any one time in the center and during outdoor activities and field trips when 3 or more children are present.

(2) The ratio of caregivers to children present at any one time in the center and during outdoor activities and field trips shall be at least 1 caregiver for 4 children or a fraction thereof beyond the first 4, including the children who are related to the staff and the licensee.

R400.5203 Primary caregiver.

Rule 203. A center shall arrange its staffing pattern so that each child has a primary caregiver to provide all of the following:

(a) Continuity of 1 relationship.

(b) Continuity of care.

(c) Appropriate social interaction.

R400.5204 Sleeping equipment; seating for staff.

Rule 204. (1) Children less than 12 months of age shall sleep in cribs or beds with side rails and firm mattresses. Children 12 months of age and older shall sleep in cribs, beds, or cots. Each sleeping device shall have a washable, waterproof covering and appropriate bedding.

(2) A rocking chair or other comfortable, adult-sized seating shall be provided for 1/2 of the caregiving staff on duty.

R400.5205 Formula; milk; foods.

Rule 205. (1) The requirements of R400.5110 apply to infant formula and feeding in addition to the requirements of subrules (2) to (11) and (13) of this rule.

(2) When a center provides formula for the child who is on infant formula, commercially prepared, pre-bottled, ready-to-feed formula shall be provided. A center shall keep a list of formulas it offers and the number of calories per ounce that each formula provides.

(3) A formula shall be iron-fortified for a child who is less than 6 months of age, unless otherwise recommended by the parent or a licensed physician for the individual child. Iron-fortified cereal, if not already provided the child by 6 months of age, shall be provided when the iron-fortified formula is discontinued, unless otherwise recommended by the parent or a licensed physician for the individual child.

(4) Formula left in a bottle at the end of a feeding shall be discarded with the bottle.

(5) Special formula required for an individual child shall be provided by the center in commercially prepared, pre-bottled, ready-to-feed units, unless provided by the parent as specified in subrule (12) of this rule.

(6) When formula is discontinued, all of the following provisions shall apply:

(a) A center shall provide and use whole homogenized vitamin D-fortified cow's milk, unless otherwise directed by the parent or a licensed physician.

(b) Milk shall be poured into clean cups or bottles having sanitized nipples. Excess milk left in a bottle or cup shall be discarded.

(c) Nipples shall be thoroughly cleaned and sanitized after each feeding and before being used again. This sterilization shall be by boiling the nipples for not less than 5 minutes.

(7) This rule does not preclude a mother from visiting the center in order to breast-feed her child or from sending to the center expressed milk for the child.

(8) A child too young to sit in a highchair or at a feeding table shall be held in a semi-sitting position or placed in an infant seat while being fed.

(9) A child who is unable to hold his or her bottle shall be held when the bottle is given.

(10) Solid foods shall be introduced to the individual child according to the parent's or a licensed physician's instructions.

(11) Commercial baby food containers that are opened, and foods prepared in the center which are stored, shall be covered, dated, and labeled as to the contents and refrigerated. The contents shall be used or discarded within a 36-hour period. A child shall not be fed directly from baby food containers if the contents are to be fed to the child at more than 1 sitting or to more than 1 child.

(12) When a parent chooses to provide formula or food in accordance with R400.5110(1)(b), the center shall assure that the food, formula, bottles, nipples, and containers comply with all of the following provisions:

(a) Formula shall be prepared at the child's home and placed in an assembled bottle unit before being brought to the center.

(b) Formula, milk, and perishable foods needing refrigeration shall be refrigerated. Formula shall not be stored longer than 24 hours after opening. Foods shall be covered and labeled as to the contents, date of opening, and the specifc child for whom its use is intended. Foods other than formula shall be used or discarded within a 36-hour period after opening.

(c) Each bottle and nipple supplied by a parent shall be used for a single feeding only and then returned to the parent.

(d) Formula and milk left in a bottle at the end of a feeding shall be discarded.

(13) An exception to subrules (2) and (3) of this rule may be made when a center which provides formula is located in an area where commerically prepared, pre-bottled, ready-to-feed formula is not available for center use and the center is in compliance with all of the following provisions:

(a) All formula shall be commercially prepared, ready-to-feed formula.

(b) All formula shall be poured directly from the opened can of formula into clean bottles with disposable liners.

(c) All nipples shall comply with either of the following provisions:

(i) Be disposable nipples, each of which shall be for a single use only by an individual child and shall be discarded after use.

(ii) Be reusable nipples, each of which is cleaned after each single use with hot detergent water and rinsed thoroughly. Each reusable nipple shall then be sterilized by boiling fully for not less than 5 minutes in water before reuse.

(d) Each liner shall be for a single use only by an individual child and shall be discarded after use along with any remaining formula.

(e) All liners, nipples, formula, and other equipment used in bottle preparation shall be prepared, handled, and stored in a sanitary and sterile manner as required to safeguard children.

(f) Prepared bottles and opened cans of formula shall be refrigerated until used by the child.

(g) All opened formula which has not been used within the manufacturer's stated use time after opening shall be discarded. All bottles filled with formula and all opened cans of formula shall be dated to show the date and time of the opening of the commercially prepared formula and the manufacturer's stated use time of the formula. An individual formula for an individual child shall also be labeled identifying the individual child for whom its use is intended. Bottle liners and disposable nipples of the unused bottles shall be discarded with the formula. Reusable nipples shall be cleaned and sterilized as required in subdivision (c) of this subrule before being used by a child.

R400.5206 Records.

Rule 206. A center shall maintain a continuing record for children up to 12 months of age in the following areas:

(a) Food intake.

(b) Sleeping patterns.

(c) Bowel movements.

(d) Developmental milestones, such as sitting, focusing on objects, and smiling.

R400.5207 Health care services.

Rule 207. A center shall implement a health care services plan, which has been developed in conjunction with a licensed physician or registered nurse, that includes not less than the following:

(a) Health practices and policies.

(b) Health resources.

(c) Staff training.

R400.5208 Health reports.

Rule 208. A center shall, within 30 days of initial attendance, keep on file a signed report on the state of the child's health, based on an evaluation by a licensed physician or his or her designee made within the preceding 3 months. Restrictions, if any, shall be certified by the physician. Subsequent evaluations shall be made every 12 months thereafter. In lieu of subsequent medical evaluations, a written report from a periodic screening program, approved by the department of public health at the designated intervals, shall constitute compliance.

R400.5209 Diapering; toilet training plan.

Rule 209. (1) Diapers shall be disposable or from a commercial diaper service. When a child's health condition necessitates that disposable diapers or diapers from a commercial services cannot be used, an alternative arrangement may be made according to the parent's or a licensed physician's instructions.

(2) Diapering shall be done in the child's own crib or in a designated diapering area.

(3) A diapering area and all supplies and equipment shall be maintained in a safe and sanitary manner.

(4) The hands of a caregiver shall be washed after each diapering using soap and running water.

(5) A washcloth or towel, or both, used in diapering shall not be used subsequently on another part of the body or for any other purpose until laundered.

(6) Toilet training shall be planned cooperatively between the child's primary caregiver and the parent so that the toilet routine established is consistent between the center and the child's home.

(7) Diapers shall be changed when soiled or wet.

R400.5210 Indoor activity space.

Rule 210. For each child, a center shall have a minimum of 50 square feet of indoor activity space for use by, and accessible to, the child, exclusive of all of the following:

(a) Hallways.

(b) Bathrooms.

(c) Storage areas and cloakrooms.

(d) Kitchens.

(e) Reception and office areas.

PART 3. ADDITIONAL PROVISIONS FOR CARE OF CHILDREN 6 YEARS OF AGE AND OLDER

R400.5301 Definition.

Rule 301. "Child" or "children", as used in this part, means children 6 years to 17 years of age.

R400.5302 Staff.

Rule 302. (1) The ratio of caregivers to children present at any one time in the center and during outdoor activities and field trips shall be based upon the following provisions:

(a) For children 6 to 12 years of age, there shall be 1 caregiver for 20 children or a fraction thereof beyond the first 20, including children who are related to the staff and the licensee.

(b) For children from 13 to 17 years of age, there shall be 1 caregiver for 30 children or a fraction thereof beyond the first 30, including children who are related to the staff and the licensee.

(2) When a center exclusively serves children, as defined in R 400.5301, the program director may substitute credits in elementary education, physical education, or recreation for any of the 12 semester hours as required in R 400.5104(2).

R400.5303 Program.

Rule 303. A center shall provide a program that has opportunities for each child:

(a) To plan, carry out, and evaluate his or her own activities.

(b) To experience a diversity of activities within the center, the center neighborhood, and the total community.

(c) To participate in recreational activities, including sports appropriate to age.

R400.5304 Fire safety.

Rule 304. When a center exclusively serves children as defined in R 400.5301, the fire safety provisions as required in R 400.5801 to R 400.5865 shall be exempted if the center uses a public school building which has been approved by the state fire marshal for public school use.

PART 4. ADDITIONAL PROVISIONS FOR DROP-IN CENTERS

R400.5401 Definition.

Rule 401. (1) "Drop-in center" means a child care center, or an autonomous program within a child care center, that provides care for children 2 weeks of age and older on an intermittent basis, exclusively.

(2) "Intermittent care of children" means all of the following:

(a) Care for a period of not more than 4 hours' duration within a 24-hour period.

(b) Care for a specific child for not more than 3 consecutive days.

(c) Care for a specific child for not more than 6 accumulative days within a calendar month.

R400.5402 Staff.

Rule 402. A minimum of 2 staff members, 1 of whom is a caregiver, shall be present at any one time in the center and during outdoor activities and field trips when 3 or more children are present.

R400.5403 Program director.

Rule 403. An exception to R 400.5103 may be made when the center is in compliance with both of the following:

(a) A drop-in center is being directly operated in conjunction with an established child welfare agency, an established family service agency, or an established mental health service agency.

(b) The agency has designated a staff person who has a master's degree in the behavioral sciences, such as child development, psychology, or social work, from an accredited college or university to be administratively responsible for the drop-in center.

R400.5404 Program.

Rule 404. R 400.5106 shall be complied with, except for R 400.5106(3) and (4) thereof.

R400.5405 Emergency medical care; medication; health surveillance measures.

Rule 405. (1) R 400.5113 shall be complied with except for R 400.5113(2), (3), and (4).

(2) At the time that a child is received for care, the center shall obtain a signed statement by the parent that the child is in good health and free from any communicable disease or illness. Compliance with this subrule shall be acceptable in lieu of compliance with R 400.5113(2), (3), and (4) and in lieu of compliance with R 400.5208.

PART 5. ADDITIONAL PROVISIONS FOR SPECIFIC PROGRAM COMPONENTS

R400.5501 Definition.

Rule 501. As used in this part, "lifeguard" means a person who is not less than 18 years of age and who satisfies the requirements as set forth in R 325.2198.

R400.5502 Swimming.

Rule 502. (1) When a swimming pool is utilized by children while under the care of a center, it shall be constructed and operated in compliance with Act No. 368 of the Public Acts of 1978, as amended, being §333.1101 et seq. of the Michigan Compiled Laws, and the rules promulgated thereunder.

(2) A center shall obtain and keep on file written parental permission prior to the participation of a child in a swimming activity.

(3) A lifeguard shall be on duty at all times when a swimming pool or swimming area is in use.

(4) There shall be an in-the-water ratio of 1 caregiver to each child under the age of 2½ years.

(5) For nonswimmers over 2½ years of age, there shall be an in-the-water ratio of 1 caregiver to 4 children when the water level is at the child's chest height or lower. When the water level is above the child's chest height, there shall be an in-the-water ratio of 1 caregiver to 1 child.

(6) For swimmers over 2½ years of age, there shall be a ratio of caregivers to children as required by R 400.5105(2). For children 2½ years to 5 years of age, this ratio shall be maintained as an in-the-water ratio.

R400.5503 Nighttime care.

Rule 503. When a child is in care between the hours of 11 p.m. and 6 a.m., the following shall be required:

(a) A separate area away from sleeping children where the child can engage in quiet activities.

(b) A bed and mattress, with a waterproof covering, of a size appropriate to the age of each child.

PART 6. TRANSPORTATION PROVISIONS

R400.5601 Definitions.

Rule 601. As used in this part and in part 7 of these rules:

(a) "Child passenger restraint device" means a device that is used to restrain a child weighing 50 pounds or less that meets the requirements of federal motor vehicle safety standard no. 213, child seating systems, 49 C.F.R. §571.213, as of March 23, 1973, that performs satisfactorily in a dynamic test, and that is appropriate for the size and physical condition of the child being transported. The federal motor vehicle safety standard no. 213 is hereby adopted by reference. Copies of the adopted matter are available at cost from the Department of Social Services, P.O. Box 30037, Lansing, Michigan 48909.

(b) "Manufacturer's rated seating capacity" means the number of places or spaces provided by the manufacturer of a vehicle for the driver and passengers to sit while the vehicle is in motion.

(c) "Safety belt" means an automobile lap belt or lap-shoulder belt combination designed to restrain and protect a passenger or driver of a vehicle from injury.

(d) "Transportation" means the conveyance of children by means of a motor vehicle to or from a child care center and to and from all other activities planned for children by or through the child care center.

(e) "Vehicle," for the purpose of these rules only, means a self-propelled device in which persons are or may be transported upon a highway, which is built on an automobile or truck chassis, which is specifically designed by the manufacturer to transport passengers, or specially modified to transport handicapped passengers, and which meets the safety equipment requirements of the Michigan vehicle code, specifically sections 683 to 714a of Act No. 300 of the Public Acts of 1949, as amended, being §§ 257.683 to 257.714a of the Michigan Compiled Laws.

R400.5602 Transportation generally.

Rule 602. If transportation is provided, contracted, or sponsored by the center, all rules in this part apply. Rules in this part do not apply when a parent of a child makes a private arrangement for the transportation of his or her child, exclusive of arrangements made with the center.

R400.5603 All vehicles.

Rule 603. (1) Children shall be transported in vehicles, as defined in R 400.5601(e).

(2) Vehicle seats used by passengers shall not face sideways.

(3) A truck shall not be used to transport children, except in the cab.

(4) There shall be no loose, heavy objects in the passenger area of any vehicle.

(5) Each vehicle shall be inspected annually by the department of state police or by a state police-authorized publicly employed inspector to verify compliance with Michigan vehicle code safety equipment requirements and other safety equipment requirements specified herein, if such inspection services are available. A statement attesting to the vehicle's compliance with the code and other safety requirements shall be kept on file by the center. No vehicle shall be operated for the purpose of transporting children unless it is in compliance with all requirements specified herein.

R400.5604 Vehicles with a gross vehicle weight of more than 10,000 pounds.

Rule 604. (1) Commencing 2 calendar years from the effective date of these rules, each vehicle in this category that is purchased or leased by a center for the purpose of transporting children shall comply with all minimum safety specifications, except color, identification, and alternating flashing lights, contained in the department of education rules entitled "Safety Specifications for School Buses", being R 340.1201 et seq. of the Michigan Administrative Code.

(2) Centers contracting transportation services from other organizations shall contract services that comply with the standards as stipulated and with the date as established in subrule (1) of this rule.

R400.5605 Safety equipment in vehicles with a manufacturer's rated seating capacity of 10 or fewer occupants.

Rule 605. Each vehicle with a manufacturer's rated seating capacity of 10 or fewer occupants shall carry the following safety equipment:

(a) Three bidirectional emergency reflective triangles. The reflectors shall be properly cased and stored in the trunk of the vehicle.

(b) A first aid kit, which shall contain, at a minimum, all of the following:

(i) Bandage compresses (sterile gauze pads).

(ii) Adhesive Compresses.

(iii) A 40-inch triangular bandage.

(iv) A role of gauze.

(v) An elastic bandage.

Antiseptics and burn ointments shall not be included in the first aid kit. The first aid kit shall be kept in the driver compartment or in the vehicle trunk.

R400.5606 Safety equipment in vehicles with a manufactuer's rated seating capacity of more than 10 occupants.

Rule 606. Each vehicle with a manufacturer's rated seating capacity of more than 10 occupants shall carry the following safety equipment:

(a) Three bidirectional emergency reflective triangles properly cased and mounted in the driver's compartment.

(b) Not less than 3 15-minute fusees properly cased and mounted in the driver's compartment.

(c) Fire extinguisher of dry chemical type approved by underwriters' laboratories, inc., rated not less than 2A-10BC. The extinguisher valve shall be aluminum, brass, or bronze. The extinguisher shall be mounted in an accessible place in the driver compartment and kept properly filled and in satisfactory operating condition at all times. This subdivision shall not apply when the vehicle has a gross vehicle weight of 10,000 pounds or less.

(d) A first aid kit, which shall be firmly mounted in a quick-release bracket in an accessible location in the driver compartment. The first aid kit shall contain, at a minimum, all of the following:

(i) Bandage compresses (sterile gauze pads).

(ii) Adhesive compresses.

(iii) A 40-inch triangular bandage.

(iv) A role of gauze.

(v) An elastic bandage.

Antiseptics and burn ointments shall not be included in the first aid kit.

R400.5607 Restraint devices; safety belts.

Rule 607. (1) When transporting children in any vehicle, a child passenger restraint device shall be used for each child who is less than 4 years old. Each restraint device shall be properly anchored to the vehicle seat and used according to the manufacturer's specifications.

(2) A child passenger restraint device or a safety belt shall be used for each child who is 4 or more years old. Each restraint device and each safety belt shall be properly anchored and used according to the manufacturer's specifications.

(3) Each child transported shall remain seated and properly restrained by the passenger restraint device appropriate for his or her age while the vehicle is in motion, except as specified in subrule (6) of this rule.

(4) The driver of a vehicle and all adult passengers shall be properly restrained by safety belts when the vehicle is in motion.

(5) All safety belts and restraint devices used while transporting all children and all adults shall be in good working condition.

(6) The only exception to subrules (1), (2), (4), and (5) of this rule is when children over the age of 30 months and adults ride as passengers in vehicles which have a gross vehicle weight of more than 10,000 pounds and which are not required by the federal government to be equipped with passenger safety belts.

R400.5608 Rescinded

R400.5609 Manufactuer's rated seating capacity.

Rule 609. (1) The center shall comply with the manufacturer's rated seating capacity of each vehicle.

(2) Each person transported shall occupy a vehicle manufacturer's designated seating position.

R400.5610 Vehicle operator.

Rule 610. (1) The driver of any vehicle transporting children shall possess the following qualifications:

(a) A valid chauffeur's license with the proper endorsement.

(b) A personal driving record with not more than 6 active points as determined by the department of state.

(2) The driver shall be provided with a list of the children being transported in his or her vehicle and the names and telephone numbers of parents or guardians.

(3) The driver shall be familiar with the contents of the first aid kit.

(4) The driver of a vehicle required in R 400.5606(c) to be equipped with a fire extinguisher shall be familiar with the operation of the fire extinguisher.

R400.5611 Child supervision.

Rule 611. (1) When 2 or more children under the age 2½ years are in transit, there shall be a staff member or volunteer present in addition to the driver. In addition, there shall be 1 staff member or volunteer to every 4 children or a fraction thereof.

(2) When more than 8 children, 2½ years to 5 years of age, are in transit, there shall be a staff member or volunteer present in addition to the driver. When more than 25 children, 2½ to 5 years of age, are in transit, there shall be 2 staff members or volunteers present in addition to the driver.

(3) When more than 20 children, 6 to 12 years of age, are in transit, there shall be a staff member or volunteer present in addition to the driver.

(4) With respect to subrules (1), (2), and (3), of this rule, the additional staff members or volunteers shall be 16 years of age or older, shall be seated with the children, and shall be responsible for their supervision.

(5) When children are entering or leaving the vehicle, the following safety precautions shall be taken:

(a) The accompanying staff member, volunteer, or the driver shall assure that the children are received by a parent or other responsible person as designated by the parent.

(b) Children shall enter and leave the vehicle from the curbside unless the vehicle is in a protected parking area or driveway.

(c) Children shall not be left unattended in a vehicle.

(6) When children under the age of 6 years are entering or leaving the vehicle, the children shall be carried or helped into and out of a vehicle.

R400.5612 Vehicle insurance.

Rule 612. The owner of a vehicle used for the transportation of children shall maintain both of the following:

(a) The no-fault automobile insurance coverage required by chapter 31, Act No. 218 of the Public Acts of 1956, as amended, being § 500.3101 et seq. of the Michigan Compiled Laws.

(b) The residual liability insurance coverage of not less than $100,000.00 bodily injury and $300,000.00 coverage per accident.

R400.5613 Time limitation on child transit

Rule 613. For children under the age of 6 years, transportation routes shall be planned so that no child is in the vehicle longer than 1 continuous hour.

R400.5614 Vehicle records and reports.

Rule 614. A center shall have on file verification of all of the following:

(a) Annual vehicle inspection.

(b) Vehicle insurance.

(c) The chauffeur's license number of each driver.

(d) Compliance by drivers with all requirements set forth in R 400.5610, including a copy of each driver's driving record, obtained from the department of state at least once every 12 months.

PART 7. FIELD TRIP TRANSPORTATION PROVISIONS

R400.5701 Definition.

Rule 701. As used in this part "field trip" means an excursion, trip, or program activity requiring the use of vehicles.

R400.5702 Parent permission; notification for all field trips.

Rule 702. (1) A center shall obtain and keep on file written permission from the parent at the time of enrollment or prior to each field trip for the child's participation in center field trips.

(2) A center shall provide notification to each parent prior to each field trip.

R400.5703 Transportation for field trips generally.

Rule 703. (1) If transportation for a field trip is provided or contracted by the center, all rules in part 6 apply.

(2) When a center sponsors or arranges a field trip using public transportation, other than taxis, children 2½ years and older may be transported without restraint devices and safety belts. When public transportation is used for a field trip all other rules in part 6 apply.

(3) Rules in part 6 of these rules and in this part do not apply when the parent of a child makes a private arrangement for the transportation of her or his child on a field trip, exclusive of arrangements made with the center.

(4) When a center sponsors or arranges a field trip with parent volunteers or other volunteers, including center staff, transporting children and using their own vehicles, R 400.5704 to R 400.5712 apply.

R400.5704 Volunteer vehicles for field trips.

Rule 704. (1) Children shall be transported in vehicles as defined in R 400.5601(e).

(2) Vehicle seats used by passengers shall not face sideways.

(3) A truck shall not be used to transport children, except in the cab.

(4) There shall be no loose, heavy objects in the passenger area of any vehicle.

(5) The volunteer vehicle used shall be in compliance with the safety equipment requirements specifying good operating condition of tires, brakes, exhaust system, windshield, windshield wipers and washers, horn, lights, and mirrors as contained in the Michigan vehicle code, specifically, 683 to 714a of Act No. 300 of the Public Acts of 1949, as amended, being §§257.683 to 257.714a of the Michigan Compiled Laws.

R400.5705 Safety equipment in volunteer vehicles for field trip transportation.

Rule 705. A first aid kit shall be provided in each volunteer vehicle used for field trip transportation.

R400.5706 Restraint devices and safety belts in volunteer vehicles.

Rule 706. (1) A child passenger restraint device shall be provided and used in a volunteer vehicle for each child who is less than 4 years old. Each restraint device shall be properly anchored to the vehicle seat and used according to the manufacturer's specifications. If a restraint device is unavailable or cannot be properly anchored, a child who is 2½ years of age but is less than 4 years of age and is seated in a seat other than the front seat of a vehicle shall be restrained with a seat belt, except as specified in subrule (6) of this rule.

(2) A child passenger restraint device or a safety belt shall be used for each child who is 4 or more years old. Each restraint device and each safety belt shall be properly anchored and used according to the manufacturer's specifications.

(3) Each child transported shall remain seated and properly restrained by the passenger restraint device or the safety belt appropriate for his or her age while the vehicle is in motion, except as specified in subrule (6) of this rule.

(4) The driver of a vehicle and all adult passengers shall be properly restrained by safety belts when the vehicle is in motion.

(5) All safety belts and restraint devices used while transporting center children and all adults shall be in good working condition.

(6) The only exception to subrules (1), (2), (4), and (5) of this rule is when children over the age of 30 months and adults ride as passengers in vehicles which have a gross vehicle weight of more than 10,000 pounds and which are not required by the federal government to be equipped with passenger safety belts.

R400.5707 Rescinded.

R400.5708 Manufacturer's rated seating capacity in volunteer vehicles.

Rule 708. (1) Children and adults shall be transported in accordance with the manufacturer's rated seating capacity of each volunteer vehicle.

(2) Each person transported shall occupy a vehicle manufacturer's designated seating position.

R400.5709 Volunteer vehicle operator for field trip transportation.

Rule 709. (1) The volunteer driver shall:

(a) Have a valid driver's license appropriate for the vehicle being driven.

(b) Have not more than 6 active points on his or her driving record.

(c) Have a list of the children being transported in his or her vehicle and the names and telephone numbers of parents or guardians.

(d) Be familiar with the contents of the first aid kit.

(2) Before the field trip begins, the center shall determine that each volunteer driver complies with subrule (1) of this rule.

R400.5710 Child supervision during volunteer field trip transportation.

Rule 710. (1) When 2 or more children under the age of 2½ years are in transit, there shall be a staff member or volunteer present in addition to the driver. In addition, there shall be 1 staff member or volunteer to every 4 children or a fraction thereof.

(2) When more than 8 children 2½ years to 5 years of age are in transit, there shall be a staff member or volunteer present in addition to the driver. When more than 25 children 2½ to 5 years of age are in transit, there shall be 2 staff members or volunteers present in addition to the driver.

(3) When more than 20 children 6 to 12 years of age are in transit, there shall be a staff member or volunteer present in addition to the driver.

(4) With respect to subrules (1), (2), and (3) of this rule, the additional staff members or volunteers shall be 16 years of age or older, shall be seated with the children, and shall be responsible for their supervision.

(5) When children are entering or leaving the vehicle, the following safety precautions shall be taken:

(a) The accompanying staff member, volunteer, or the driver shall assure that the children are received by a parent or other responsible person as designated by the parent.

(b) Children shall enter and leave the vehicle from the curbside unless the vehicle is in a protected parking area or driveway.

(c) Children shall not be left unattended in a vehicle.

(6) When children under the age of 6 years are entering or leaving the vehicle, the children shall be carried or helped into and out of a vehicle.

R400.5711 Insurance of volunteer vehicles for field trip transportation.

Rule 711. The center shall determine that the volunteer driver has in his or her possession a certificate of no-fault insurance for the vehicle being used.

R400.5712 Time limitation on child transit during field trips.

Rule 712. For children under the age of 6 years, field trip transportation routes shall be planned so that no child is in the vehicle longer than 1 continuous hour.

PART 8. FIRE SAFETY PROVISIONS

R400.5801 Definitions.

Rule 801. As used in this part:

(a) "Basement" means a story of a building or structure having ½ or more of its clear height below average grade.

(b) "Exit" means a way of departure from the interior of a building or structure to the open air outside at ground level.

(c) "Fire alarm" means a device used to alarm the occupants of the building of fire conditions. The device shall be audible in all parts of the building used as a center.

(d) "Fire door assembly" means a side-hinged, labeled fire door and labeled frame constructed and installed in compliance with the national fire protection association pamphlet no. 80, 1975, "Fire Doors and Windows," with a latching device and closing device labeled or listed in compliance with the listing and re-examination service of an approved, nationally recognized testing laboratory. The national fire protection association pamphlet no. 80 is hereby adopted by reference. Copies of the adopted matter may be obtained from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210, at a cost of $4.00 or from the Department of Social Services, P.O. Box 30037, Lansing, Michigan 48909, at a cost of $4.00.

(d) "Fire-resistance rating" means the rating of material or an assembly of materials having a fire-resistance rating in accordance with underwriters' laboratories, inc pamphlet no. 263, 1976, or national fire protection association pamphlet no. 251, 1972, or certified by a nationally recognized independent testing laboratory with proper certification under the American society for testing materials, method E119, 1976. The underwriters' laboratories, inc. pamphlet No. 263 is hereby adopted by reference. Copies of the adopted matter may be obtained from the Underwriters' Laboratories, Inc., Publications Department, 207 E. Ohio Street, Chicago, Illinois 60611, at a cost of $3.00 or from the Department of Social Services, P.O. Box 30037, Lansing, Michigan 48909, at a cost of $3.00. In addition, the national fire protection association pamphlet no. 251 is hereby adopted by reference. Copies of the adopted matter may be obtained from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210, at a cost of $2.25 or from the Department of Social Services, P.O. Box 30037, Lansing, Michigan 48909, at a cost of $2.25. In addition, the American society for testing materials, method E119, is hereby adopted by reference. Copies of the adopted matter may be obtained from the American Society for Testing Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103, at a cost of $1.75 or from the Department of Social Services, P.O. Box 30037, Lansing, Michigan 48909, at a cost of $1.75.

(f) "Fire-resistive construction" means a building having walls, ceilings, floors, partitions, and roof of noncombustible materials having a minimum fire-resistance rating of 1 hour. This definition shall not be construed as prohibiting finished wood floor and window frames, wood sash, or wood furring.

(g) "Flameproof" or "flameproofing" means materials which will not readily ignite and will not propagate flame under the test conditions of the national fire protection association pamphlet no. 701, 1976, "Standard Methods of Fire Tests for Flame-Resistant Textiles and Film." Flameproofed materials are usually combustible materials with the addition of some treatment or coating to modify their burning properties. The national fire protection association pamphlet no. 701, 1976, is hereby adopted by reference. Copies of the adopted matter may be obtained from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210, at a cost of $3.50 or from the Department of Social Services, P.O. Box 30037, Lansing, Michigan 48909, at a cost of $3.50.

(h) "Hazard area" means those parts of a center building housing a commercial laundry, commercial kitchen, heating plant, incinerator, or an area where combustible materials are stored, or an area housing other similar hazards.

(i) "Interior finish" means the material of walls, fixed or moveable partitions, ceilings, and other exposed interior surfaces of buildings, comprising the plaster, wood, or other interior finish material and any surfacing materials, such as paint or wallpaper, applied thereto. Interior finish includes material affixed to the building structure as distinguished from decorations or furnishings which are not so fixed.

(j) "Means of egress" means a continuous and unobstructed way of exit travel from any point in a building to the outside at grade.

(k) "Noncombustible" means materials which will not ignite and burn when subjected to fire.

(l) "Protected ordinary construction" means that type of construction where roofs and floors and their supports have minimum hourly fire-resistance ratings; exterior bearing walls or bearing portions of exterior walls are of noncombustible or limited combustible materials and have minimum hourly fire-resistance ratings and stability under fire conditions; nonbearing exterior walls are of noncombustible or limited combustible materials; and roofs, floors, and interior framing are wholly or partly made of wood of smaller dimension than required for heavy timber construction.

(m) "Wired glass" means glass not less than 1/4-inch thick, reinforced with wire mesh, number 24 gauge or heavier, with spacing not greater than 1 square inch.

(n) "Wood frame construction" means that type of construction in which exterior walls, bearing walls and partitions, and floor and roof constructions and their supports are made of wood or other combustible material, when the construction does not qualify as heavy timber construction or ordinary construction.

R400.5805 Plans and specifications; submission; approval.

Rule 805. A complete set of plans and specifications of any proposed center or of any addition, alteration, or remodeling to an existing center shall be submitted to the department. Written approval shall be obtained from the department prior to initiating construction.

R400.5810 Construction.

Rule 810. (1) A new building, the conversion of an existing building, the conversion of a part of an existing building, or an addition to an existing building used for a center shall comply with 1 of the subrules of this rule listed below as subrules (2), (3), (4), (5), and (6).

(2) When child occupancy is limited to the first or main floor, the building shall be of at least wood frame construction.

(3) When child occupancy is on the second floor, the building shall be of protected ordinary construction and all required stairways and vertical openings shall be enclosed with construction equal to the standard partition construction of the building so as to provide a protected means of egress to the outside at grade. All door openings shall be protected with a 1 3/4-inch solid core wood doors or equivalent installed in fully stopped reasonably smoketight substantial frames and shall be equipped with approved self-closing devices and nonlocking-against-egress positive latching hardware.

(4) When child occupancy is above the second floor, the building shall be of 1-hour fire-resistive construction and all required stairways and other vertical openings shall be enclosed by a minimum 1-hour fire-resistive construction to provide a protected means of egress direct to the outside at grade.

(5) When any portion of a basement is used for child occupancy, the center shall comply with either of the following provisions:

(a) The basement shall have 2 enclosed stairways of 1-hour fire-resistant construction that terminate directly to the outside at grade, and all openings in the stairways shall be protected by B labeled fire doors and frame assemblies.

(b) The occupied room or use area shall have an approved exit direct to the outside at grade.

(6) When basement occupancy is limited to not more than 30 children, 1 of the exits required by subrule (5) of this rule shall discharge directly to the outside at grade or through a 1-hour fire-resistive enclosure. The second exit may terminate at the first floor level with an approved floor separation.

(7) With respect to the requirements of subrules (2), (3), (4), (5), and (6) of this rule, all vertical openings and stairways that are not required shall be enclosed with partitions and doors equal in fire resistance to the standard partition construction of the building as required and shall be so constructed and arranged that effective fire and smoke separations between floors are provided.

(8) A center licensed before the effective date of these rules with child occupancy on the second floor or above, shall be permitted to remain if there is no increase in capacity and if the facility is in compliance with all other applicable fire safety rules, including the requirements or subrule (3) of this rule related to the protection of stairways, vertical openings, and means of egress.

R 400.5815 Interior finishes.

Rule 815. (1) The following alphabetical classification of finished materials for flame spread, fuel contribution, and smoke development, as determined by tunnel test in accordance with national fire protection association pamphlet No. 255, American society of testing materials standard E84, or underwriters' laboratories, inc., pamphlet No. 723, shall be used to determine interior finishes of centers:

Class	Flame Spread	Fuel Contribution	Smoke Developed
A	0-25	0-35	0-50
B	26-75	36-75	51-125
C	76-200	76-200	126-200

The same alphabetical classification is used for combustibiity of prefabricated acoustical tile units only, under federal specifications SS-A-118b, 1958. The national fire protection association pamphlet No. 255, 1979, is hereby adopted by reference. Copies of the adopted matter may be obtained from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210, at a cost of $2.25 or from the Department of Social Services, P.O. Box 30037, Lansing, Michigan 48909, at a cost of $2.25. In addition, the American society for testing materials E84, 1977, is hereby adopted by reference. Copies of the adopted matter may be obtained from the American Society for Testing Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103, at a cost of $1.75 or from the Department of Social Services, P.O. Box 30037, Lansing, Michigan 48909, at a cost of $1.75. In addition, the underwriters' laboratories, inc. pamphlet No. 723, 1977, is hereby adopted by reference. Copies of the adopted matter may be obtained from the Underwriter's Laboratories, Inc., Publications Department, 207 E. Ohio Street, Chicago, Illinois 60611, at a cost of $3.50 or from the Department of Social Services, P.O. Box 30037, Lansing, Michigan 48909, at a cost of $3.50, In addition, copies of federal specifications SS-A-118b, 1958, may be purchased from Specification Sales (3 FRSBS) Building, 197

Washington Navy Yard, General Services Administration, Washington, D.C. 20407, at a cost of 10 cents or from the Department of Social Services, P.O. Box 30037, Lansing, Michigan 48909, at a cost of 10 cents.

(2) Interior finish material more hazardous than class C shall be prohibited.

(3) In new construction, additions, and conversions, interior finish classifications shall be that of the basic material used, without regard to subsequently applied paint or other covering in an attempt to meet the classification. Basic material shall be class A or B in means of egress and basement use occupancies and may be class A, B, or C in other areas.

(4) In an existing licensed facility, where interior finishes do not comply with those in subrule (3) of this rule, and where interior finishes are applied to, or furred out not more than 1 inch from, a noncombustible backing, interior finishes may have their surfaces protected with an approved fire-retardant coating so as to meet the interior finish requirement of subrule (3) of this rule.

(5) Interior finish materials of classes B and C which are less than 1/4 inch in thickness, shall be applied directly against a noncombustible backing or shall be furred out not more than 1 inch unless the tests under which such material has been classed were made with the material suspended from the noncombustible backing.

R400.5820 Exits.

Rule 820. (1) Each occupied floor of a center shall have not less than 2 approved exits directly to the outside at grade, remote from each other. Occupied rooms within the center shall be located between means of egress, unless the occupied room has an approved exit direct to the outside at grade.

(2) Exit doors and all doors in the means of egress shall be side-hinged and shall be equipped with knob-type, nonlocking-against-egress or panic-type hardware.

(3) In a center licensed for 13 or more children, doors shall swing in the direction of egress.

(4) The requirement of subrule (3) of this rule shall not apply to rooms having a normal occupancy of 12 or fewer children.

(5) Means of egress shall be maintained in an unobstructed, easily traveled condition at all times that the center is in operation. Means of egress shall not be exposed to inherent hazards of the building, including heating plant, flammable storage, commercial kitchen, or other similar conditions.

(6) In new construction, an exit door shall be not less than 36 inches in width.

(7) In existing licensed centers, exit doors may be approved if acceptable to the inspecting authority, but shall be not less than 28 inches in width.

(8) Exterior exits shall be marked or denoted by an exit sign. All exit signs shall be distinctive in color and shall provide contrast with decorations, interior finish, or other signs. Each exit sign shall have the word "exit" in plain, legible letters not less than 6 inches high on a background of contrasting color with strokes not less than 3/4-inch wide.

R400.5825 Hazard Areas.

Rule 825. (1) In an existing licensed center, hazard areas shall be separated from the parts of the building used as a center by minimum 3/4-hour fire-resistant construction. All door openings shall be protected by minimum 1 3/4-inch solid core wood doors or equivalent hung in substantial frames and equipped with approvd self-closing devices and positive latching hardware.

(2) Where a kitchen with commercial cooking equipment exposes a required means of egress or use area, the common wall or walls shall have a minimum 1-hour fire-resistance rating, with a B labeled fire door and frame assembly in the opening.

(3) An incinerator shall be separated from the remainder of the center by construction having a 1-hour fire-resistance rating. Openings between the incinerator room and the remainder of the building shall be protected with a B labeled fire door and frame assembly. In new construction, the incinerator room shall have not less than 1 outside wall containing a window or door opening directly to the outside.

(4) Heating shall be by a central heating plant, or an approved permanently installed electrical heating system. If heating is provided by a central heating plant, it shall be installed in an enclosure providing not less than a 1-hour fire-resistive separation, including a 1 3/4-inch solid core wood door or equivalent equipped with an approved self-closing device and positive latching hardware in any interior door opening exposing the enclosure. Air for proper combustion shall be provided directly from the outside through a permanently opened louver. The storage of combustible materials in a heating plant room is prohibited.

(5) In an existing building, a properly installed heating plant located in a basement which is not used for child occupancy does not require additional protection where there is a qualified fire separation and with at least a 1 3/4-inch solid core wood door or equivalent hung in a substantial frame and equipped with an approved self-closing device and positive latching hardware in all stairway openings. Any heating plant located on the same floor, which is used for child occupancy shall be enclosed by approved 1-hour fire-resistant construction.

(6) Any combustion-type water heater shall be located in the heating plant room or in a room of comparable construction.

(7) Where electric heating is used, it shall be underwriters' laboratories, inc. labeled or listed permanent, fixed type electrical heating such as recognized panel or baseboard fixed-type. Electric heating which complies with this requirement may be installed in any location.

(8) Where a boiler is used, it shall be inspected and a certificate provided as required by the boiler division, department of labor.

(9) An auxiliary heating unit, such as a portable combustion or electrical type, shall not be approved in any location.

(10) In new construction, an area used for the storage of combustible materials, if the floor area is more than 100 square feet, shall be separated from the remainder of the center by construction having a 1-hour fire-resistance rating. Openings in the separation shall be protected with a B labeled fire door and frame assembly.

(11) In an existing licensed center, an area used for the storage of combustible materials, if the floor area is more than 100 square feet, shall have walls and ceilings of noncombustible materials. Any door opening shall be protected by a substantial door and equipped with positive latching hardware installed so as to be reasonably smoketight.

(12) Flammable materials, including fuels, pressurized cans, cleaning fluids and supplies, polishes, and matches, shall be stored in designated cabinets or storage facilities accessible only to authorized personnel.

(13) Gasoline-powered equipment shall not be permitted in the part of a building which is used as a center and shall not be permitted in other parts of the building from which there is a door, window, or other opening into the center.

(14) In new construction, whenever commercial-type laundry equipment is installed, the equipment shall be enclosed to provide a 1-hour resistance to fire, including a B labeled fire door and frame assembly in an interior door opening which would expose the center.

(15) Fire dampers shall not be required in 3/4-hour and 1-hour fire-resistive enclosures.

R400.5830 Landings, steps, and stairs.

Rule 830. Stairway steps shall not be more than 7½ inches in height and treads shall be not less than 9½ inches in the clear. Landings, at least as wide as the swing of the door, shall be located outside exit doors where steps or stairs are necessary. Landings, steps, and stairs shall be provided with handrails designed and constructed for use by children.

R400.5835 Multiple occupancy.

Rule 835 (1) Multiple occupancy of a building may qualify for licensure when the entire building does not present a life safety hazard. A center currently licensed in such a building may continue so long as such occupancies do not change in character.

(2) A building, part of which is used for hazardous operations or for occupancy that is unpredictable, such as taverns, garages, repair shops, and industrial operations, shall not be permitted for center use. However, an exception may be made for a vocational education center approved by the department of education.

R400.5840 Fire alarm.

Rule 840. In any buiding used as a center, where more than 1 room is occupied by children, an approved fire alarm system shall be established. This system may be either electrical or manual. Commencing 2 calendar years from the effective date of these rules, in centers of more than 4 rooms, excluding bathrooms, or in centers licensed for more than 60 children, an approved closed circuit, self-supervised electrical fire alarm system shall be installed.

R400.5845 Fire extinguishers.

Rule 845. A center shall have multipurpose fire extinguishers, having ratings of not less than 2A-10BC, installed in the kitchen or cooking area and in the heating plant room. The requirement of having additional multipurpose fire extinguishers with ratings of not less than 2A-10BC shall be determined by the fire inspecting authority and shall be based on the capacity of the center and on other conditions in the facility.

R400.5850 Electrical service.

Rule 850. The electrical service shall be maintained in a safe condition. Where conditions indicate the need for inspection, and in new construction, addition, and conversion, the electrical service shall be inspected by a qualified electrical inspecting authority, and a copy of the inspection report shall be submitted to the department. A certificate of approval shall be submitted to the department upon correction of all deficiencies related to electrical installation.

R 400.5855 Smoking.

Rule 855. Smoking is prohibited in areas where children are present. If staff members or visitors smoke at a center, a room or lounge shall be provided for that purpose and equipped with noncombustible receptacles for the disposal of smoking materials.

R400.5860 Emergency procedures.

Rule 860. (1) A center shall have written procedures for the evacuation and care of children and staff for each of the following emergencies:

(a) Fire.

(b) Tornado.

(c) Serious accident or injury.

(2) A center shall inform each member of the staff of his or her duties and responsibilities in the event of such an emergency.

(3) A fire drill program shall be established and implemented to assure prompt evacuation of the building in case of emergency.

R400.5865 Occurrence of fire; report.

Rule 865. If a fire occurs in a center and results in loss of life or property, it is the responsibility of the center to notify the department of state police, fire marshal division, of all details of the fire. This notification shall occur immediately after the occurrence of the fire.

PART 9. SANITATION PROVISIONS

R400.5901 Food service sanitation.

Rule 901. Facilities, equipment, and procedures used for the preparation, storage, and service of food, whether on or off the premises, shall comply with the applicable provisions of sections 12901 to 12922 of Act No. 368 of the Public Acts of 1978, as amended, being §§333.12901 to 333.12922 of the Michigan Compiled Laws. Facilities, equipment, and procedures required shall depend on the amount of food service and the type of food service operation.

R400.5905 Location of center; stairs, walkways, ramps, and porches.

Rule 905 (1) A center shall be located on land that provides good natural drainage or that is properly drained.

(2) Porches and walkways that are elevated shall have barriers to prevent falls.

(3) Stairs, walkways, ramps, and porches shall be maintained in a safe condition relative to the accumulation of water, ice, or snow, and shall have nonslip surfacing.

R400.5910 Heating; temperature

Rule 910. Heating equipment shall be capable of maintaining a temperature of not less than 68 degrees Fahrenheit at a point 2 feet above the floor. The temperature in the center shall be maintained at a level so that children in care do not become overheated, chilled or cold.

R400.5915 Light, ventilation, and screening.

Rule 915. (1) The total ventilation area in every habitable room, as provided by openable windows, shall be not less than 4½% of the floor area, unless central air conditioning is provided.

(2) Artificial light or natural light, or both, shall be capable of providing a minimum illumination of 20 foot candles over the entire room at a height of 3 feet from the floor.

(3) During the fly season, a window used for ventilation shall be supplied with screening of not less than 16 mesh, which shall be kept in good repair.

R400.5920 Water supply.

Rule 920. (1) Sinks, lavatories, drinking fountains, and other water outlets shall be supplied with safe water, sufficient in quantity and pressure to meet conditions of peak demand. Hot water temperatures shall not exceed 120 degrees Fahrenheit at outlets accessible to children.

(2) The water system shall comply with the requirements of the Michigan department of public health. Plumbing shall be designed, constructed, installed, and maintained to prevent cross-connection with the water system.

R400.5925 Toilets and washbasins.

Rule 925. A center shall provide at least 1 toilet and 1 washbasin for every 20 children or fraction thereof beyond the first 20, except that a center operating with children in attendance for 5 or more continuous hours a day shall have 1 toilet and 1 washbasin for every 15 children or fraction thereof.

R400.5930 Sewage disposal.

Rule 930. Sewage and other water-carried wastes shall be disposed of through a municipal or private sewer system. If a private system is used, it shall comply with local health department requirements.

R400.5935 Garbage and refuse.

Rule 935 (1) A center shall store garbage in flyproof and watertight containers with tightfitting covers. A garbage can shall be provided with a waterproof liner or be thoroughly cleaned after each emptying.

(2) A center shall have garbage and refuse removed at intervals of at least once a week so as not to create a menace to health.

R400.5940 Maintenance of premises.

Rule 940. (1) The premises shall be maintained in a clean and safe condition and shall be free from standing water.

(2) The premises shall be maintained so as to eliminate and prevent rodent and insect harborage.

(3) Roofs, exterior walls, doors, skylights, and windows shall be weathertight and watertight and shall be kept in sound condition and good repair.

(4) Floors, interior walls, and ceilings shall be sound, in good repair, and maintained in a clean condition.

(5) All plumbing fixtures and water and waste pipes shall be properly installed and maintained in good working condition. Each water heater shall be equipped with a thermostatic temperature control and a pressure relief valve, both of which shall be in good working condition.

(6) All water closet compartments, bathrooms, and kitchen floor surfaces shall be constructed and maintained so as to be reasonably impervious to water and to permit the floor to be easily kept in a clean condition.

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